

THE HONORABLE MICHELLE L. PETERSON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., a Delaware
corporation; and AMAZON.COM SERVICES
LLC, a Delaware limited liability corporation,

Plaintiffs,

v.

Individuals and entities doing business as the
Amazon Brand Registry Account VIVCIC; and
DOES 1-10,

Defendants.

Case No.: 2:23-cv-00486-JHC-MLP

**DECLARATION OF BRIAN BUCKLEY IN
SUPPORT OF PLAINTIFFS' STATUS
REPORT**

I, Brian Buckley, declare and state as follows:

1. I am a partner with the law firm Fenwick & West LLP ("Fenwick"), which represents Plaintiffs Amazon.com, Inc. and Amazon.com Services LLC (collectively, "Amazon") in the above-titled litigation. I am over 18 years of age, and the statements made below are true to the best of my knowledge and belief.

2. Amazon filed an *ex parte* motion to expedite discovery on September 8, 2023, following which the Court authorized Amazon to conduct limited, pre-service third-party discovery. Dkts. 15, 20. Amazon has since conducted additional investigation and discovery pursuant to the Court's orders in support of its efforts to ascertain the identities and service information of Defendants.

3. Amazon, through its attorneys at Fenwick, completed service of the Court-

BUCKLEY DECL. ISO PLAINTIFFS'
STATUS REPORT
CASE NO.: 2:23-CV-00486-JHC-MLP

FENWICK & WEST LLP
401 UNION ST., 5TH FLOOR
SEATTLE, WA 98101

1 authorized subpoenas on the following financial institutions and email service providers that
2 Amazon believes Defendants used in connection with their fraudulent scheme: Deutsche Bank
3 Trust Company Americas (“Deutsche Bank”), LL Pay U.S., LLC a/k/a LianLian Pay (“LL Pay”),
4 Microsoft Corporation (“Microsoft”), Payoneer Inc. (“Payoneer”), PingPong Global Solutions,
5 Inc. (“PingPong”), and Wells Fargo Bank, N.A. (“Wells Fargo”).

6 4. Amazon received a production from Payoneer on November 13, 2023, with
7 documents responsive to Amazon’s request. Amazon received this production after emailing
8 Payoneer on October 26, 2023, and November 13, 2023, in an effort to pursue compliance with
9 the subpoena. Amazon is currently reviewing these documents, which appear to provide helpful
10 information regarding Defendants’ identities and contact information for service.

11 5. Amazon received a response from Microsoft on October 25, 2023, indicating that
12 it will need at least an additional eight weeks to comply with the subpoena. Amazon followed up
13 via email with Microsoft on October 30, 2023, and again on November 13, 2023, to facilitate
14 compliance with the subpoena. Microsoft responded via email to Amazon on November 13, 2023,
15 indicating that they will need additional time to comply with the subpoena request.

16 6. Amazon received a response via email from PingPong on October 23, 2023,
17 indicating that they will process the subpoena in ordinary course. Amazon followed up via email
18 with PingPong on October 30, 2023, and again on November 13, 2023, to check on the status of
19 compliance with the subpoena. Amazon expects documents provided in response to these
20 subpoenas will provide insight into Defendants’ identities and reliable contact information for
21 service.

22 7. After serving LL Pay on October 19, 2023, Amazon followed up via email with LL
23 Pay on November 3, 2023, and again on November 13, 2023, to pursue compliance with the
24 subpoena. LL Pay responded via email to Amazon on November 14, 2023, and informed Amazon
25 that as a Chinese-based company, they cannot produce the data pursuant to a subpoena due to
26 Chinese security laws and regulations.

27 8. Wells Fargo has indicated that it has no responsive information in response to
28 Amazon’s subpoenas.

1 9. Deutsche Bank has indicated that it has no responsive information in response to
2 Amazon's subpoenas.

3 10. First Century Bank, N.A. rejected Amazon's process server's attempt to serve the
4 subpoena. Amazon has since learned through further investigation that this bank only provides an
5 ACH service to Payoneer and does not create or maintain the requested customer records. Amazon
6 is thus no longer pursuing this subpoena.

7
8 I declare under penalty of perjury that the foregoing is true and correct to the best of my
9 knowledge.

10 Dated: November 17, 2023

11 /s/ Brian Buckley
12 Brian Buckley